



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: **Franck ROLAND et al.**

Serial No.: 10/576,031

Filed: April 13, 2006

For: **INKING ROLLER FOR AN INKING UNIT OF AN
OFFSET PRINTING PRESS**

Art Unit: 2854

Examiner: Jill E. Culler

Customer No.: 23280

Mail Stop: APPEAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 1, 2009

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Office Action dated November 3, 2008 in this application. The statutory fee of \$540.00 is paid herewith. If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552

04/06/2009 HDESTA1 00000038 10576031

01 FC:1402

540.00 0P

1. REAL PARTY IN INTEREST

The real party in interest is Goss International Montataire SA, a French corporation having a place of business in Montataire, France, the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned by inventor Franck Roland to Goss International Montataire SA. The assignment was recorded on April 13, 2006 at reel 017814, frame 0922.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1 to 10 have been cancelled. Claims 11 to 23 are pending. Claims 11 to 23 have been finally rejected as per the Final Office Action dated November 3, 2008. The rejection to claims 11 to 23 thus is appealed. A copy of the appealed claims is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

Claim 1 was amended in an Amendment After Final filed on February 3, 2009 in response to the November 3, 2008 Final Office Action. A Notice of Appeal was filed on February 3, 2009 and received by the U.S.P.T.O. on February 3, 2009. An Advisory Action issued on February 23, 2009 which noted that the amendment to claim 11 would be entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 11 recites an inking roller (see, e.g., specification at paragraph [0019]¹ and roller 10 in Fig. 1) for an inking unit (see, e.g., specification at paragraph [0019] and inking unit 16

¹ Citations are to U.S. Patent Publication No. US 2007/0068410 A1, the publication of the instant application.

in Fig. 1) of an offset printing press (see, e.g., specification at paragraph [0019] and press 18 in Fig. 1) comprising a plurality of zones arranged in a direction of an axis of rotation (see, e.g., specification at paragraph [0021] and zones 20 in Fig. 2A); at least one ink reservoir (see, e.g., specification at paragraph [0021] and reservoir 32 in Fig. 2B) in an interior of the inking roller (see, e.g., specification at paragraph [0019] and roller 10 in Fig. 1) connected to at least one ink exit (see, e.g., specification at paragraph [0021] and ink exits 12 in Fig. 2B) in a circumferential surface of the inking roller (see, e.g., specification at paragraph [0019]) in each of the plurality of zones (see, e.g., specification at paragraph [0021]); and at least one pumping element (see, e.g., specification at paragraph [0021] and pumping element 26 in Fig. 2A) in each of the plurality of zones in the interior of the inking unit (see, e.g., specification at paragraph [0021]) for conveying ink from the ink reservoir (see, e.g., specification at paragraph [0021] and reservoir 32 in Fig. 2B) to the circumferential surface of the inking roller (see, e.g., specification at paragraph [0021]); the inking roller (see, e.g., specification at paragraph [0019] and roller 10 in Fig. 1) being an offset printing press inking roller (see, e.g., specification at paragraph [0019] and press 18 in Fig. 1).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 11 to 13, 15, 16 and 18 to 23 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,282,419 to Barrois ("Barrois") in view of Great Britain Patent Publication No. GB 2314292 to Gandelheid² ("Gandelheidt"). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barrois in view of Gandelheidt and further in view of U.S. Patent No. 3,738,269 to Wagner ("Wagner"). Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barrois in view of Gandelheidt and further in view of U.S. Patent No. 5,036,761 to Wingo ("Wingo").

² The November 3, 2008 Final Office Action refers to this reference as "Edogaa".

7. ARGUMENTS

A. Rejections under 35 U.S.C. 103(a)

1. Claims 11 to 13, 15, 16 and 18 to 23

Claims 11 to 13, 15, 16 and 18 to 23 were rejected under 35 U.S.C. §102(b) as being unpatentable over Barrois in view of Gandelheidt.

Barrois discloses an ink roller 1 having a hollow axle 11 with an interior ink reservoir 10. (Barrois, Fig. 2, col. 3, lines 65-67). The hollow axle 11 has a plurality of bores 24 arranged in axially spaced groups or rings. (Barrois, Fig. 2, col. 4, lines 2-14). A first inner sleeve 26 rotatably supported about hollow axle 11 has radially extending bores 29. (Barrois, Figs. 2 and 3, col. 4, lines 15-25, 34-45). A second intermediate sleeve 33 rotatably supported about inner sleeve 26 has a plurality of bores 41. (Barrois, Fig. 2, col. 5, lines 13-46). An outer porous sleeve or shell 44 is rotatably supported about intermediate sleeve 33. (Barrois, Fig. 2, col. 5, lines 63-68).

Gandelheidt discloses a printing cylinder 1 having a central cylindrical chamber 8. (Gandelheidt, Fig. 1, p. 5, lines 9-11). Microactuators 7 are provided with actuating devices 9 controlled by an ECU. (Gandelheidt, Fig. 1, p. 5, lines 13-15). Print images are fed into a microcomputer 11, which activates the microactuators 7. (Gandelheidt, Fig. 1, p. 5, lines 17-26).

Claim 11 recites “[a]n inking roller for an inking unit of an offset printing press comprising:

a plurality of zones arranged in a direction of an axis of rotation;

at least one ink reservoir in an interior of the inking roller connected to at least one ink exit in a circumferential surface of the inking roller in each of the plurality of zones; and

at least one pumping element in each of the plurality of zones in the interior of the inking unit for conveying ink from the ink reservoir to the circumferential surface of the inking roller;

the inking roller being an offset printing press inking roller.” (emphasis added).³

³ Claims 12 to 13, 15, 16 and 18 to 23 are dependent on claim 11,

It is respectfully submitted that the combination of Barrois and Gandelheidt does not render claim 11 unpatentable as obvious because the combination does not teach or suggest each limitation of claim 11 and because claim 11 would not be obvious in view of such combination. Furthermore, it is also respectfully submitted that one of skill in the art would not combine the pumps used in the printing cylinder of Gandelheidt with the inking roller of Barrois, and that the Examiner has not recited any valid motivation for such combination.

The Examiner alleges that Barrois teaches an inking roller having “a plurality of zones arranged in a direction of an axis of rotation.” (November 3, 2008 Office Action, p. 2). However, the Examiner provides no support whatsoever for this allegation. In fact, Barrois merely states:

The hollow axle 11 has, at its circumference, a plurality of bores 24 which are arranged in axially spaced groups or rings. The bores 24 in each ring of bores, when looked at from an axially extending center line 23 of the ink roller 1, extend in the radial direction of the roller 1 and are in alignment with each other about the axle's circumference. Each of these "rings" of bores 24 is formed, respectively, at an axial spacing "a" to each other.

(Barrois, col. 4, lines 2-14). The bores are thus arranged conventionally and there is no discussion of any specific groupings, other than the usual ring of bores formed around the cylinder. Thus, Barrois does not teach this limitation of claim 11.

In addition, the Examiner admits at page 2 of the November 3, 2008 Office Action that Barrois does not show or teach the limitation of “at least one pumping element in each of the plurality of zones in the interior of the inking unit for conveying ink from the ink reservoir to the circumferential surface of the inking roller; the inking roller being an offset printing press inking roller” recited in claim 11. In particular, the Examiner states:

Barrois does not teach that the inking roller has at least one pumping element assigned to each zone in the interior of the inking roller, the pumping element for conveying ink from the ink reservoir to the circumferential surface.

(November 3, 2008 Final Office Action, p. 2).

As a result, the Examiner cites to Gandelheidt as disclosing this limitation, alleging that:

[Gandelheidt] teaches **an inking roller, 1, comprising: a plurality of zones, 5, arranged in a direction of an axis of rotation;** and at least one in reservoir, 8, in an interior of the inking roller, the at least one ink reservoir in each of the plurality of zones is connected to at least one ink exit, 6, in a circumferential surface of the inking roller, the inking roller having at least one pumping element, 7, assigned to each zone in the interior of the inking roller; the pumping element for conveying ink from the ink reservoir to the circumferential surface. See page 5, lines 1-15 and Figs. 1-2.

(Id., pp. 2-3). (emphasis added).

In fact, Gandelheidt does not teach an inking roller at all, as element 1 is a printing cylinder which directly prints a web, not an inking roller which applies ink to another roller as part of the printing process. The Examiner acknowledges this in the remarks provided with the February 23, 2009 Advisory Action, stating that “Applicant’s argument that the secondary reference . . . does not teach an offset printing press inking roller are not persuasive because this element of the claims is taught by the primary reference to Barrois.” (February 23, 2009 Advisory Action, continuation sheet).

Furthermore, Gandelheidt does not teach a plurality of zones arranged in a direction of an axis of rotation either, as element 5 corresponds to the plurality of radial bores in printing cylinder 1. As evident in Fig. 3 of Gandelheidt, bores 5 are arranged radially and along the axis of rotation, and each bore 5 has a separate pump 7. This is different from the present invention, as claimed, where the zones are only arranged along the axis of rotation (not radially) and each separate zone 20 has its own pump 26 (which serves a plurality of ink exits 12). In fact, Gandelheidt is addressed to a different type of roller, i.e., a printing cylinder for creating images based on data which prints directly on a web. Thus, neither Barrois nor Gandelheidt discloses the “plurality of zones” limitation of claim 11.

In addition, the Examiner’s support for alleging in the November 3, 2008 Final Office Action that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention

to modify Barrois to include a plurality of pumping elements, as taught by [Gandelheidt]” results from impermissible hindsight. In particular, the Examiner alleges in the November 3, 2008 Final Office Action that this combination provides the ability “to deliver the ink to specific locations on the surface” and clarifies in the February 23, 2009 Advisory Action that:

[o]ne of ordinary skill in the art would have sufficient knowledge to apply the structural advantages of the pumping elements of [Gandelheidt] to the offset printing press inking roller of Barrois in such a way that the combination teaches the claimed invention.

(February 23, 2009 Advisory Action, continuation sheet). The problem with these remarks is that the Examiner has not articulated any reason for one of ordinary skill in the art to add the pumping elements of Gandelheidt's printing cylinder to the inking roller of Barrois.

As discussed above, Gandelheidt discloses a printing cylinder for creating images based on data which prints directly on a web, with each bore 5 corresponding to a raster dot of the print image. (Gandelheidt, p. 1, lines 26-30). The present invention relates to an inking roller for an inking unit of an offset printing press, and applies ink in separate zones extending along the axis of the inking roller to permit a plate cylinder to be inked. The pumps of Gandelheidt are used for forming images, which is quite different from how the pumps of the present invention are used, i.e., to meter ink in different zones of an inking roller. Thus, the Examiner's allegation that “the structural advantages” of Gandelheidt's pumps would lead one of skill in the art to add such pumps to the inking roller of Barrois is simply wrong because the advantages of a pump for a printing roller are quite different from the advantages provided by a pump added to an inking roller, as in the present invention. The present invention provides an improved inking roller which uses pumps in each zone to separately meter the ink supplied to the respective zones. Barrois does not use pumps or have such zones, and the Examiner has not articulated any clear motivation why one of ordinary skill in the art would adapt the pumps of Gandelheidt to the inking roller of Barrois to achieve the invention claimed in claim 11.

Based on the foregoing, claim 11 is not unpatentable as obvious over Barrois in view of Gandelheidt, and reversal of the rejections to claims 11, 12 to 13, 15, 16 and 18 to 23 under 35 U.S.C. §103(a) is respectfully requested.

2. Claim 14

Claims 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barrois in view of Gandelheidt and further in view of Wagner.

Wagner discloses a printing member or roller 20 including a porous material 24.

Claim 14 is dependent on dependent claim 13, which in turn is dependent on independent claim 11 and adds the requirement that “the ink exit includes a perforated plug.”

In addition to the arguments presented above with respect to claim 11, Applicant notes that the material in Wagner operates by capillary action that is not ordinarily needed or necessary with any pump as claimed. The rejection appears to be based solely on hindsight reasoning, and it is not believed or understood how the material of Wagner would distribute ink more evenly as asserted. This is an additional reason why claim 14 is not unpatentable as obvious over the combination of Barrois, Gandelheidt and Wagner.

Reversal of the rejection to claim 14 for this reason as well is respectfully requested.

3. Claims 17

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Barrois in view of Gandelheidt and further in view of Wingo.

Wingo discloses a water feed roller 11, preferably formed of stainless steel, to impart water to plurality of water form rollers comprising an upper water form roller 12 and a lower water form roller 13. (Wingo, Fig. 3).

Claim 17 is dependent on independent claim 11 and adds the requirement that “the at least one ink exit includes a number of ink exits present in one zone, the ink exits being located in a

circumferential direction either in one angular section of a circumference in an accumulative way or distributed in a substantially even manner.”

In addition to the arguments presented above with respect to claim 11, Applicant respectfully submits that Wingo discloses a roller for feeding water, and not an inking roller as asserted. Wingo does not show or disclose “a number of ink exits” as claimed and the Examiner has not explained how one of ordinary skill in the art would adapt the water roller design of Wingo for use in the claimed print roller. This is an additional reason why claim 17 is not unpatentable as obvious over the combination of Barrois, Gandelheidt and Wingo.

Reversal of the rejection to claim 17 for this reason as well is respectfully requested.

CONCLUSION

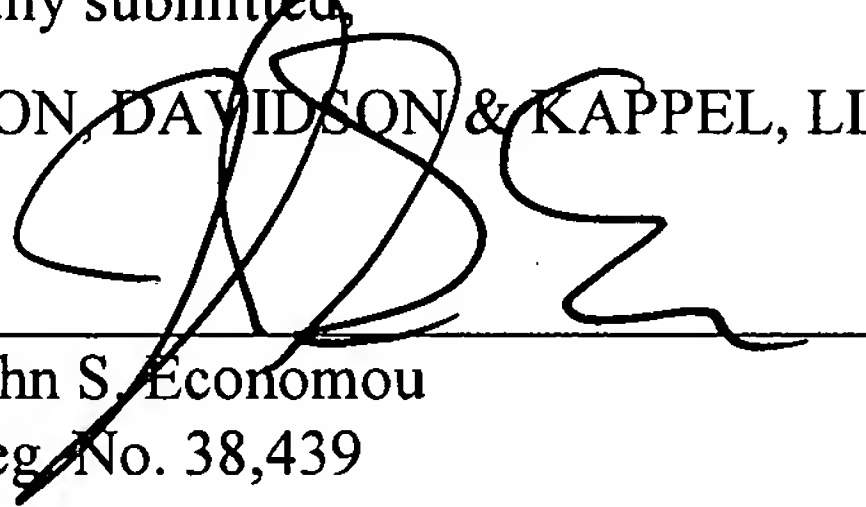
It is respectfully submitted that the pending claims are not unpatentable over the cited prior art. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

DATED: April 1, 2009

By: _____


John S. Economou
Reg. No. 38,439

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

APPENDIX A:

PENDING CLAIMS 11 to 23 OF U.S.
APPLICATION SERIAL NO. 10/576,031

Claim 11 (previously presented): An inking roller for an inking unit of an offset printing press comprising:

- a plurality of zones arranged in a direction of an axis of rotation;
 - at least one ink reservoir in an interior of the inking roller connected to at least one ink exit in a circumferential surface of the inking roller in each of the plurality of zones; and
 - at least one pumping element in each of the plurality of zones in the interior of the inking unit for conveying ink from the ink reservoir to the circumferential surface of the inking roller;
- the inking roller being an offset printing press inking roller.

Claim 12 (previously presented): The inking roller as recited in claim 11 wherein the pumping element is an electrical pump or a pneumatic pump.

Claim 13 (previously presented): The inking roller as recited in claim 11 wherein the ink exit is an opening or a porous piece of material.

Claim 14 (previously presented): The inking roller as recited in claim 13 wherein the ink exit includes a perforated plug.

Claim 15 (previously presented): The inking roller as recited in claim 11 further comprising an ink duct with a rotary seal, wherein the ink duct substantially extends along the axis of rotation of the inking roller into the interior of the inking roller to the at least one ink reservoir.

Claim 16 (previously presented): The inking roller as recited in claim 11 wherein the pumping element is powered by a rotary electrical connection.

Claim 17 (previously presented): The inking roller as recited in claim 11 wherein the at least one ink exit includes a number of ink exits present in one zone, the ink exits being located in a circumferential direction either in one angular section of a circumference in an accumulative way or distributed in a substantially even manner.

Claim 18 (previously presented): The inking roller as recited in claim 11 wherein each pumping element is controllable independently of the other pumping elements.

Claim 19 (previously presented): An inking unit for an offset printing press comprising at least one inking roller as recited in claim 11.

Claim 20 (previously presented): An offset printing unit comprising at least one inking unit as recited in claim 19.

Claim 21 (previously presented): The inking unit as recited in claim 19 wherein the circumferential surface of the inking roller rolls on another inking roller.

Claim 22 (previously presented): The inking unit as recited in claim 21 wherein the other inking roller is a beginning of a group of further inking rollers that roll on each other.

Claim 23 (previously presented): The offset printing unit as recited in claim 20 further comprising a group of further inking unit rollers adapted to apply ink to a printing master on a printing master cylinder connected to an end of the group of inking unit rollers.

APPENDIX B.

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in “2. RELATED APPEALS AND INTERFERENCES” of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.